

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-C-491

**APPROXIMATELY \$2,758.00
IN UNITED STATES CURRENCY,**

Defendant.

ORDER GRANTING ADDITIONAL TIME

On May 29, 2007, the United States filed a complaint for civil forfeiture in rem, alleging that the sum of \$2,758.00 was seized as proceeds of, or currency used in, drug trafficking activities. It was therefore forfeitable to the United States pursuant to Title 21 U.S.C. § 881(a)(6). On June 8, 2007, a notice of the complaint, together with a verified copy, was sent to Mr. James Penhallegon, from whom the property was seized on September 15, 2006. Notice of the forfeiture action was also published.

On June 14, 2007, James Penhallegon filed a consent to proceed before a United States Magistrate Judge. The government also consented and the case was transferred to this court by Judge Clevert on June 14, 2007. Mr. Penhallegon failed to file either an answer to the complaint pursuant to the Federal Rules of Civil Procedure, or a claim to the defendant property pursuant to the Admiralty Rules. Therefore, on July 23, 2007, the United States filed a motion for default judgment, which was entered by the Clerk of Court on that same date.

On July 26, 2007, Mr. Penhallegon filed a Petition for Remission or Mitigation of Forfeiture, alleging that he still wishes to contest the forfeiture, but he has been incarcerated in the Kenosha County Jail and unable to proceed in a timely basis. He requests additional time within which to file an answer to the complaint. The United States has not responded to this petition.

Since Mr. Penhallegon is proceeding without representation, has been incarcerated and contends that he has always contested the seizure, he will be granted additional time within which to file an answer to the complaint. If he files an answer, the court will vacate the default judgment and reinstate proceedings in this action. If he fails to file an answer within the additional time granted, the court will enter a judgment of forfeiture.

NOW THEREFORE, IT IS ORDERED, that James Penhallegon shall file an answer to the complaint in this action with the Clerk of Court, sending a copy to counsel for the government, no later than **September 28, 2007**.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 5th day of September, 2007.

s/AARON E. GOODSTEIN
U.S. MAGISTRATE JUDGE